

No. AO 120 (Rev. 2/99)

<b>TO: Mail Stop 8</b> <b>Director of the U.S. Patent &amp; Trademark Office</b> <b>P.O. Box 1450</b> <b>Alexandria, VA 22313-1450</b>	<b>REPORT ON THE</b> <b>FILING OR DETERMINATION OF AN</b> <b>ACTION REGARDING A PATENT OR</b> <b>TRADEMARK</b>
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In Compliance with 35 § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been  
 filed in the U.S. District Court Northern District of California on the following ☒ Patents or ☐ Trademarks:

DOCKET NO. CV 11-00693 DMR	DATE FILED 02/17/11	U.S. DISTRICT COURT Northern District of California, 1301 Clay Street, RM 4005, Oakland, CA 94612
PLAINTIFF CENZIC INC.		DEFENDANT NT OBJECTIVES INC.
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 7,180,232		SEE ATTACHED
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3		
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In the above—entitled case, the following patent(s) have been included:

DATE INCLUDED	INCLUDED BY	
	<input type="checkbox"/> Amendment <input type="checkbox"/> Answer <input type="checkbox"/> Cross Bill <input type="checkbox"/> Other Pleading	
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1		SEE ATTACHED
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In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT
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CLERK Richard W. Wicking	(BY) DEPUTY CLERK	DATE
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Copy 1—Upon initiation of action, mail this copy to Commissioner Copy 3—Upon termination of action, mail this copy to Commissioner  
 Copy 2—Upon filing document adding patent(s), mail this copy to Commissioner Copy 4—Case file copy

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13 **ATTORNEYS FOR PLAINTIFF**  
14 **CENZIC INC.**

15 **UNITED STATES DISTRICT COURT**  
16 **NORTHERN DISTRICT OF CALIFORNIA**

17 **CENZIC INC.**

18 **Plaintiff,**

19 **vs.**

20 **NT OBJECTIVES INC.,**

21 **Defendant.**

**E-FILING**

CIVIL CASE NO.:

**(V) 11-00693**

**DMR**

**COMPLAINT FOR PATENT INFRINGEMENT**

**DEMAND FOR JURY TRIAL**

1 Plaintiff Cenzie Inc. ("Cenzie") for its Complaint against Defendant NT OBJECTIVES,  
2 Inc. ("NTO"), alleges as follows:

3 **THE PARTIES**

4 1. Plaintiff Cenzie is a corporation duly organized and existing under the laws of the  
5 State of California with its principal place of business at 455 El Camino Real, Suite #100, Santa  
6 Clara, CA 95050 in this district.

7 2. Cenzie is informed, and believes, and thereupon alleges, that defendant NTO is a  
8 corporation organized and existing under the laws of the State of California and having its  
9 principal place of business at 18801 Tabor Drive, Irvine, California 92603. Upon information  
10 and belief, NTO has substantial contacts and transacts substantial business, either directly or  
11 through its agent, on an ongoing basis in this judicial district and elsewhere in the United States.

12 3. Unless specifically stated otherwise, the acts complained of herein were committed by,  
13 on behalf of, and/or for the benefit of NTO.

14 **NATURE OF THE ACTION**

15 4. This is an action for patent infringement.

16 5. Cenzie is informed, and believes, and thereupon alleges, that NTO has been and is  
17 infringing, contributing to the infringement of, and/or actively inducing others to infringe the  
18 claims of U.S. Patent No. 7,185,232 ("the '232 Patent" or "Asserted Patent"), a copy of which is  
19 attached hereto as Exhibit A.

20 **JURISDICTION AND VENUE**

21 6. This action arises under the patent laws of the United States, 35 U.S.C. § 1 *et seq.*,  
22 including 35 U.S.C § 271. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§  
23 1331 and 1338(a).

24 7. This Court has personal jurisdiction over NTO because NTO has substantial  
25 contacts and conducts business in the State of California and in this judicial district, and has been  
26 infringing, contributing to the infringement of and/or actively inducing others to infringe claims  
27 of the Asserted Patent in California and elsewhere.  
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8. Venue is proper in this Court pursuant to 28 U.S.C. §§ 1391(b), 1391(c), 1391(d) and/or 1400(b) because a substantial part of the events giving rise to Cenzip's claims occurred in the Northern District of California and because NTO is subject to personal jurisdiction in this district.

#### **FACTUAL BACKGROUND**

##### **A. Cenzip**

9. Cenzip is the trusted provider of software, managed service, and cloud security products which help organizations secure their websites against hacker attacks. Cenzip focuses on Web application security, automating the process of identifying security defects at the Web application level where more than 75% of attacks occur, help customers in remediating those defects, manage risk and get compliance with regulations such as Payment Card Industry ("PCI"). Cenzip is unique in the industry as its products are built on a non-signature-based patented technology. Cenzip solutions secure websites of numerous Fortune 1000 companies, including all major security companies, leading government agencies and universities, and hundreds of small and medium business ("SMB") companies.

10. Cenzip has made large-scale investments in the exploitation of its technology and several companies have paid for licenses to its patents. Cenzip has granted licenses of varying scope to its technology to some of the world's largest technology companies.

11. Cenzip has spent millions of dollars on research and development of its valuable technology. Cenzip relies on the United States patent system to protect the technology resulting from its research and development. Cenzip's continued success depends on its research and development of non-signature-based patented technology and other solutions, as well as the protection of intellectual property in its innovative technology.

##### **B. Asserted Patent**

12. On February 27, 2007, U.S. Patent No. 7,185,232, titled "Fault injection methods and apparatus," was duly and legally issued to Cenzip as assignee of named inventors Penny C. Leavy, Michael Gregory Hoglund, Jonathan Walter Gary, and Riley Dennis Eller.

1           13. At all relevant times, the Asserted Patent has been owned by Cenzip.

2           **C. NTO's Acts of Infringement**

3           14. Cenzip is informed and believes, and thereupon alleges, that NTO has made, used,  
4 sold, imported and/or offered for sale, and/or continued to make, use, sell, import and/or offer for  
5 sale, products in the United States, in accordance with the notice provided to NTO, at least as  
6 early as September 25, 2009.

7           15. The aforementioned NTO products are hereinafter referred to collectively as the  
8 "Accused Products." The Accused Products include but are not limited to at least the following:  
9 the NTOSpider product line, including but not limited to Web Application Security Scanner,  
10 NTOSpider On-Demand, NTOEnterprise; and the NTODefend product line, as well as all product  
11 configurations, packages, and/or suites including the same.

12           16. NTO's making, use, sale, offers for sale, and/or importation of the Accused  
13 Products in the United States constitute acts of direct infringement of the Asserted Patent.

14           17. Cenzip is informed, and believes, and thereupon alleges, that NTO has sold or  
15 offered to sell its Accused Products to third parties who has incorporated, or continues to,  
16 incorporate the Accused Products into their own products. Those third parties in turn have made,  
17 used, sold, offered for sale, and/or imported and/or continue to make, use, sell, offer for sale,  
18 and/or import their own products in the United States. These activities undertaken by such third  
19 parties constitute acts of direct infringement of the Asserted Patent. The features provided in  
20 NTO's Accused Products are known by NTO to be especially made or especially adapted for use  
21 in infringement of the Asserted Patent and are not staple articles or commodities of commerce  
22 suitable for substantial non-infringing use. NTO has thereby contributed to and continues to  
23 contribute to the infringement of the Asserted Patent.

24           18. Cenzip is informed, and believes, and thereupon alleges, that, by its sales and/or  
25 offers for sale of the Accused Products to third parties, NTO also has induced and continues to  
26 induce acts by third parties that NTO knew or should have known would constitute direct  
27 infringement of the Asserted Patent. NTO actively induces infringement of the Asserted Patent  
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by designing the Accused Products to be capable of infringement and by promoting and encouraging the use of its products by the third parties in ways that infringe the Asserted Patent.

19. Cenzip is entitled to recover from NTO the actual damages it sustained as a result of NTO's wrongful acts alleged herein under 35 U.S.C. § 284 in an amount to be proven at trial, together with interest and costs.

20. Cenzip is informed and believes, and thereupon alleges, that NTO's infringement of the Asserted Patent as set forth herein has been and is willful, deliberate and in disregard of Cenzip's patent rights, and Cenzip is therefore entitled to increased damages up to three times the amount of actual damages and attorneys' fees, pursuant to 35 U.S.C. §§ 284 and 285.

21. NTO's infringement of the Asserted Patent will continue to damage Cenzip, causing irreparable harm for which there is no adequate remedy at law, unless it is enjoined by this Court.

**FIRST COUNT**  
**INFRINGEMENT OF U.S. PATENT NO. 7,185,232**

22. Cenzip incorporates by reference and realleges paragraphs 1 through 23 above as though fully restated herein.

23. Cenzip is informed and believes, and thereupon alleges, that NTO: (1) has infringed and continues to infringe claims of the '232 Patent, literally and/or under the doctrine of equivalents, by making, using, offering to sell, selling (directly or through intermediaries), and/or importing Accused Products consisting of or including NTOSpider products, in this district and elsewhere in the United States, and/or (2) has contributed and continues to contribute to the literal infringement and/or infringement under the doctrine of equivalents of claims of the '232 Patent, and/or has actively induced and continues to actively induce others to infringe claims of the '232 Patent, literally and/or under the doctrine of equivalents, in this district and elsewhere in the United States.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff Cenzip asks this Court to enter judgment in its favor against NTO and grant the following relief:

1           1.     An adjudication that NTO has infringed and continues to infringe the Asserted  
2 Patent as alleged above;

3           2.     An accounting of all damages sustained by Cenzip as a result of NTO's acts of  
4 infringement of the Asserted Patent;

5           3.     An award to Cenzip of actual damages adequate to compensate Cenzip for NTO's  
6 acts of patent infringement, together with prejudgment and post judgment interest;

7           4.     An award to Cenzip of enhanced damages, up to and including trebling of Cenzip's  
8 damages pursuant to 35 U.S.C. § 284 for NTO's willful infringement of the Asserted Patent;

9           5.     An award of Cenzip's costs of suit and reasonable attorneys' fees pursuant to 35  
10 U.S.C. § 285 due to the exceptional nature of this case, or as otherwise permitted by law;

11           6.     A grant of a permanent injunction pursuant to 35 U.S.C. § 283, enjoining NTO,  
12 and each of its agents, servants, employees, principals, officers, attorneys, successors, assignees,  
13 and all those in active concert or participation with NTO, including related individuals and  
14 entities, customers, representatives, OEMs, dealers, and distributors from further acts of: (1)  
15 infringement, (2) contributor infringement, and (3) active inducement to infringe with respect to  
16 the claims of the Asserted Patent;

17           7.     Any further relief that this Court deems just and proper.

18                     **JURY DEMAND**

19           Plaintiff Cenzip requests a jury trial on all issues triable to a jury in this matter.  
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1 Dated: February 15, 2011

Respectfully submitted,

2  
3 By:

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